

**COLLEGE STUDENT AID COMMISSION[283]**

**Adopted and Filed Emergency**

**Rule making related to meetings of and voting by the commission**

The College Student Aid Commission hereby amends Chapter 1, “Organization and Operation,” Iowa Administrative Code.

*Legal Authority for Rule Making*

This rule making is adopted under the authority provided in Iowa Code section 261.3.

*State or Federal Law Implemented*

This rule making implements, in whole or in part, Iowa Code chapter 261.

*Purpose and Summary*

Amendments to subrule 1.2(3) were Adopted and Filed and published in the March 28, 2018, Iowa Administrative Bulletin as **ARC 3699C**. On April 9, 2018, the Administrative Rules Review Committee expressed concern regarding the language clarifying the number of meetings held annually by the Commission and the definition of affirmative votes. Pursuant to Iowa Code section 17A.4(7), the Committee voted to delay the effective date of **ARC 3699C** for 70 days, allowing Commission staff to propose amendments to address Committee concerns. At its May 8, 2018, meeting, the Administrative Rules Review Committee reviewed language proposed by Commission staff and, pursuant to Iowa Code section 17A.4(3), approved the Emergency adoption of the amendments.

*Reason for Adoption of Rule Making Without  
Prior Notice and Opportunity for Public Participation*

Pursuant to Iowa Code section 17A.4(3), the Commission finds that notice and public participation are unnecessary or impractical because Emergency adoption was approved by the Administrative Rules Review Committee.

In compliance with Iowa Code section 17A.4(3)“a,” the Administrative Rules Review Committee at its May 8, 2018, meeting reviewed the Commission’s determination and this rule making and approved the Emergency adoption.

*Reason for Waiver of Normal Effective Date*

Pursuant to Iowa Code section 17A.5(2)“b”(1)(b), the Commission also finds that the normal effective date of this rule making, 35 days after publication, should be waived and the rule making made effective on May 18, 2018. The Adopted and Filed Emergency amendments will become effective prior to the delayed effective date of **ARC 3699C**, conferring a benefit by ensuring that the language in **ARC 3699C** is not effective prior to the adoption of the corrective language contained in this rule making.

*Adoption of Rule Making*

This rule making was adopted by the Commission on May 18, 2018.

*Concurrent Publication of Notice of Intended Action*

In addition to its adoption on an emergency basis, this rule making has been initiated through the normal rule-making process and is published herein under Notice of Intended Action as **ARC 3843C** to allow for public comment.

### *Fiscal Impact*

This rule making has no fiscal impact to the State of Iowa.

### *Jobs Impact*

After analysis and review of this rule making, no impact on jobs has been found.

### *Waivers*

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Commission for a waiver of the discretionary provisions, if any, pursuant to 283—Chapter 7.

### *Review by Administrative Rules Review Committee*

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

### *Effective Date*

This rule making became effective on May 18, 2018.

The following rule-making action is adopted:

Amend subrule 1.2(3) as follows:

**1.2(3) Meetings.** The commission shall meet at regular intervals at least six times annually, but not more than eight times in person annually. ~~The commission may hold additional regular meetings from time to time during the year as deemed necessary and with proper notice to the public. Additional meetings also may be called at the discretion of the chairperson.~~

*a.* The chairperson of the commission presides at each meeting. Members of the public may be recognized at the discretion of the chairperson. All meetings are open to the public in accordance with the open meetings law, Iowa Code chapter 21.

*b.* The commission shall give advance public notice of the time and place of each commission meeting. The notice will include the specific date, time, and place of the meeting.

*c.* A quorum shall consist of two-thirds of the voting members of the commission. When a quorum is present, a position is carried by an affirmative vote of the majority of commission members eligible to vote. ~~A commissioner who is present at a meeting of the commission at which action on any matter is taken shall be presumed to have assented to the action taken unless the commissioner's dissent or abstention is recorded in the minutes of the meeting or unless, before adjournment of the meeting, the commissioner files written dissent to such action with the person who is acting as the secretary of the meeting. The right to dissent shall not apply to a commissioner who voted in favor of an action.~~

*d.* A specific time is set aside at each meeting for the public to address the commission. As a general guideline, a limit of five minutes will be allocated for each of these presentations. If a large group seeks to address a specific issue, the chairperson may limit the number of speakers. Members of the public who wish to address the commission during this portion of the meeting are required to notify the commission's administrative secretary prior to the meeting. The person's name and the subject of

the person's remarks must be provided. To accommodate maximum public participation, members of the public are encouraged to submit requests at least 72 hours in advance of the meeting.

[Filed Emergency 5/18/18, effective 5/18/18]

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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 6/20/18.